



TFW 3765

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/527,029	
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	First Named Inventor	Jung Eun Seo	
	Art Unit	3765	
	Examiner Name	Gloria M. Hale	
Total Number of Pages in This Submission		Attorney Docket Number	YPL-PT020

ENCLOSURES (Check all that apply)		
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Firm Name	VOLPE AND KOENIG, P.C.		
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Date	8/14/06	Reg. No.	48,684

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the **PATENT APPLICATION** of:

Jung Eun Seo

Application No.: 10/527,029

Confirmation No.: 5462

Filed: August 10, 2005

For: PROTECTION GEAR AGAINST
HARMFUL INSECTS

Group: 3765

Examiner: Gloria M. Hale

Our File: YPL-PT020

Date: August 14, 2006

REPLY PURSUANT TO 37 C.F.R. §1.111

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Reply is being timely filed in response to the Office Action dated July 13,
2006.

ELECTION/RESTRICTION

In the Action, the application was restricted into the following species:

Species I - of a face covering mask classified in class 2, subclass 171

Species II - of a head covering classified in class 2, subclass 171

Species III - of a trunk, pant garment classified in class 2, subclass 227

Species IV - of an arm covering classified in class 2, subclass 59

Species V - of a glove classified in class 2, subclass 159;

And shoes classified in class 36..

The Action specifically stated that:

Inventions I and II-V are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable. In the instant case, subcombination I has separate utility such as covering a separate body location without the use of the other garments. See MPEP § 806.05(d)

Inventions I and II - V are related as products which share an alleged common utility of being body garments but the common utility is not linked to a substantial structural feature. The products in this relationship are distinct if either or both of the following can be shown: (1) that the products encompass embodiments that are not required to perform the common utility or (2) that the products as claimed can be used to perform another utility. In this case, they cover different body areas and perform a different utility in that they have the utility of covering different body locations.

Applicant respectfully disagrees and traverses the election requirement. The claimed invention is **protection gear** against harmful insects **comprising: a**

Applicant: Jung Eun Seo
Application No.: 10/527,029

protection net made of a ventilative cloth to cover at least one of a face, a head, a trunk, arms, legs, and feet of a human body, the protection net being coated with at least one of an insecticide and an insect repellent using a binder; and a fastener for fastening the protection net to the human body.

Since all of the alleged species are within the same classification, namely class 2, there exists no serious burden in examining all of the claims together. These so-called "species" are all found in the main claim.

Species III corresponding to claims 1 - 5 is provisionally elected with traverse should no generic claim be found allowable. Claim 1 is believed to be generic to the extent that it contains a Markush group of the different portions of the body that can be covered by the protection net of the protective gear of the invention. Furthermore, since all of the claims depend either directly or indirectly from claim 1, all claims should be included.

Respectfully submitted,

Jung Eun Seo

By 

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